



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 17-434
Released: May 8, 2017

MEDIA BUREAU ANNOUNCES PERMIT-BUT-DISCLOSE *EX PARTE* STATUS FOR THE APPLICATION FILED SEEKING CONSENT TO THE ASSIGNMENT OF THE LICENSE FOR BROADCAST TELEVISION STATION KBEH(TV), OXNARD, CALIFORNIA, FROM HERO LICENSECO LLC TO KWHY-22 BROADCASTING, LLC

MB Docket No. 17-121

On May 3, 2017, the FCC accepted for filing an application seeking consent to the assignment of the license for broadcast television station KBEH(TV), Oxnard, California, from Hero Licenseco LLC (Hero) to KWHY-22 Broadcasting, LLC, a subsidiary of Meruelo Television, LLC (Meruelo), and the licensee of broadcast television station KWHY-TV, Los Angeles, California.¹ Hero participated in the broadcast television spectrum incentive auction and submitted a winning reverse auction bid to relinquish the spectrum usage rights of KBEH on Channel 24, the over-the-air channel associated with its current license.² Hero and Meruelo have entered into a Channel Sharing Agreement, pursuant to which the stations will share on a jointly licensed basis the 6 MHz channel assigned to KWHY-TV, and a Local Marketing Agreement, pursuant to which Meruelo will program KBEH. Petitions to deny are due on or before June 2, 2017. Comments and/or petitions may be filed using our Electronic Comment Filing System (ECFS).

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

¹ See Public Notice, Report No. 28977 (rel. May 3, 2017).

² See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, DA 17-314 (rel. April 13, 2017).

³ This application is the first to propose the sale of a winning relinquishment bidder in conjunction with the implementation of a Channel Sharing Agreement. See 47 C.F.R. § 1.1208, Note 2 (“[T]he Commission or its staff may determine that a restricted proceeding not designated for hearing involves primarily issues of broadly applicable policy rather than the rights and responsibilities of specific parties and specify that the proceeding will be conducted in accordance with the provisions of § 1.1206 governing permit-but-disclose proceedings.”)

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Filings submitted after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact David Brown, Media Bureau, (202) 418-1645; Chris Robbins, Media Bureau, (202) 418-0685; or Evan Morris, Media Bureau, (202) 418-1656.

GENERAL INFORMATION

Petitions to deny, oppositions, and other responsive pleadings and/or comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, provide one copy of each pleading to each of the following:

- 1) David Brown, Media Bureau, david.brown@fcc.gov
- 2) Chris Robbins, Media Bureau, chris.robbs@fcc.gov
- 3) Evan Morris, Media Bureau, evan.morris@fcc.gov

By: Acting Chief, Media Bureau